

CHAPTER NO. 174

SENATE BILL NO. 612

By Jackson

Substituted for: House Bill No. 818

By McKee, Roach

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 8; Title 40, Chapter 35 and Title 41, Chapter 8, relative to the transfer of state sentenced inmates to the custody of the department of correction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-8-201, is amended by adding the following new subdivision to subsection (a):

(36) To promptly turn over and transfer custody of any inmate sentenced to the department of correction who is being housed in such sheriff's local jail awaiting transfer when called upon to do so by a state official pursuant to § 40-35-212 or § 41-8-106.

SECTION 2. Tennessee Code Annotated, Section 40-35-212, is amended by adding the following sentences to the end of subsection (d):

The sheriff shall promptly transfer any inmate sentenced to the department of correction who is being housed in such sheriff's local jail awaiting transfer when called upon to do so by a department of correction official. The department shall notify the sheriff in writing of the date it intends to take custody of the inmate for transfer to the department. Such notice shall be given as soon as practicable before such transfer date. Failure to do so shall result in the state withholding any housing reimbursement allowance that might otherwise be due such county for housing such inmate for any day or portion of a day that the sheriff fails or refuses to transfer custody of the inmate to the department after being requested in writing to do so. Within thirty (30) days of the effective date of this act, the department shall notify each sheriff of the provisions of this act and the consequences for failing to comply with it.


SECTION 3. Tennessee Code Annotated, Section 41-8-106, is amended by adding the following to the end of subsection (g):

However, the commissioner shall not compensate any county that fails or refuses to promptly transfer actual physical custody of an inmate to the department after being requested by the department in writing to do so for each day or portion of a day that such county fails to transfer the inmate. Such written notice shall include the date it intends to take custody of the inmate for transfer to the department. Such notice shall be given as soon as practicable before such transfer date. Within thirty (30) days of the effective date of this act, the department shall notify each sheriff of the provisions of this act and the consequences for failing to comply with it.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 27, 2005


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 17th day of May 2005


PHIL BREDESEN, GOVERNOR